

Department of Conservation

MAINE LAND USE REGULATION COMMISSION

22 State House Station, Augusta, Maine 04333 Tel.(207)287-2631

Delegation of Authority to Staff

Chapter 3 of the Commission's Rules

Effective Date: August 7, 1975

Amended Effective: October 17, 2000

CHAPTER 3 DELEGATION OF AUTHORITY TO STAFF

3.01 Purpose and Authority

The purpose of this regulation is to increase the efficiency of the Commission's operations by delegating authority to the staff to handle certain applications and certificates of compliance. This rule is authorized and adopted pursuant to 12 M.R.S.A. §§ 685-B(1-B) and (8).

3.02 Delegation of Authority to Staff to Approve or Disapprove Applications

- A. The Commission delegates to its staff, under the responsibility of the Director, the authority to approve, approve with conditions or disapprove all applications (including those for special exceptions) submitted to the Commission pursuant to 12 M.R.S.A. § 685-B, provided they are routine in nature and do not raise significant policy issues.

The Commission delegates authority to the staff to so approve or disapprove permit applications submitted pursuant to 12 M.R.S.A. § 685-B upon finding that:

1. Many of the applications are similar and are similarly decided and, therefore, of a routine nature;
 2. The handling of that type of application by the staff will eliminate a waiting period between completion of the staff work and the next Commission meeting; and
 3. The nature of the applications is such that the decision may be made by the staff on the strict basis of the statutory criteria for approval contained in 12 M.R.S.A. § 685-B(4) and the policies, standards and rules duly adopted by the Commission.
- B. Any person aggrieved by a decision of the staff under Section 3.02 has the right to a review of that decision by the Commission. A request for such a review must be made in writing within 30 days of the staff decision.
- C. Notwithstanding the above, at the Director's discretion, any application may be forwarded directly to the Commission for decision.

3.03 Delegation of Authority to Staff to Issue or Deny Certificates of Compliance

- A. The Commission delegates to its staff, under the responsibility of the Director, the authority to issue or deny certificates of compliance.
- B. Any person aggrieved by a decision of the staff under Section 3.03 shall have the right to a review of the decision by the Commission members within 30 days of the decision.

3.04 Delegation of Authority to Extend Certain Time Limits

The Director may extend the time limits herein imposed for review of staff decisions and for Commission review and decision, upon written request by the applicant or with the written consent of the applicant, where circumstances necessitate a longer time or for other good cause.

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